

**STORCH AMINI PC**

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

TRANSCARE CORPORATION, et al.

Case No.: 16-10407 (SMB)  
(Jointly Administered)

Debtors.

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**STIPULATION AND ORDER**

This stipulation (the “Stipulation”), dated as of November 2, 2017, is entered into between Salvatore LaMonica, as Chapter 7 trustee (the “Trustee”) of the jointly-administered estates of TransCare Corporation, TransCare New York, Inc., TransCare ML, Inc., TC Ambulance Group, Inc., TransCare Management Services, Inc., TCBA Ambulance, Inc., TC Billing and Services Corporation, TransCare Westchester, Inc., TransCare Maryland, Inc., TC Ambulance North, Inc., TransCare Harford County, Inc., TransCare Pennsylvania, Inc., TC Ambulance Corporation, and TC Hudson Valley Ambulance Corp. (the “Debtors”), and Patriarch Partners, LLC and certain of its affiliated entities, including Patriarch Partners II, LLC, Patriarch Partners III, LLC, Patriarch Partners VIII, LLC, Patriarch Partners XIV, LLC, Patriarch Partners XV, LLC, Ark CLO 2000-1 Limited, ARK II CLO 2001-1 Limited, Ark Investment Partners II, L.P., Patriarch Partners Agency Services, LLC, Patriarch Partners Management Group, and LD Investments, LLC (collectively, the “Patriarch Entities”) (jointly with the Debtors, the “Parties” and each a “Party”).

WHEREAS, the Trustee has made a motion under Rule 2004 of the Federal Rules of Bankruptcy Procedure seeking leave to serve document and deposition subpoenas on the Patriarch Entities, Lynn Tilton (“Tilton”), Jean Luc Pelissier (“Pelissier”), and Renee Dudley [DE 510-1] (the “Rule 2004 Motion”), to which Patriarch Partners, LLC, Patriarch Partners Agency Services, LLC, and Lynn Tilton have filed a limited objection [DE 528] (the “Limited Objection”); and

WHEREAS, the Parties wish to narrow the scope of their disputes rather than engage in additional briefing relating to the Rule 2004 Motion;

IT IS HEREBY STIPULATED AND AGREED by the Parties that:

1. The Patriarch Entities and Tilton do not concede or admit any of the facts or arguments contained within the Rule 2004 Motion. The Trustee does not concede or admit any of the facts or arguments contained within the Limited Objection.
2. Tilton agrees to appear at a mutually convenient time and place for a deposition in her individual capacity, as the sole member of the board of the Debtors at the time of the chapter 7 filing, and as a representative of the Patriarch Entities, pursuant to Federal Rule of Civil Procedure 30(b)(6). The combined deposition will be limited to a total of seven hours. The Patriarch Entities reserve the right to serve written objections to the Trustee’s Rule 30(b)(6) topics prior to the deposition. The Parties have agreed to use their best efforts to schedule the deposition to occur on or before December 22, 2017 or by such other date as the Parties may mutually agree.
3. To the extent that, after conducting Tilton’s combined deposition, the Trustee believes that the deposition of additional individuals are necessary and

appropriate as part of his Rule 2004 investigation, the Trustee will so advise the Patriarch Entities and the Patriarch Entities and the Trustee will meet and confer in good faith concerning the Trustee's request for any additional deposition. If the Parties are unable to come to an agreement with respect to any additional deposition, the Trustee reserves the right to seek from the Court an order compelling said deposition, and the Patriarch Entities reserve their right to object to any such deposition.

4. The Trustee will serve the Patriarch Entities with one or more written requests for the production of documents. The Trustee may serve a single, combined request directed at each of the Patriarch Entities, and the Patriarch Entities may respond to the requests jointly or severally, it being expressly understood that the Patriarch Entities maintain they are separate legal entities. Service of any such written request can be made via email to the Patriarch Entities' counsel (Timothy Q. Karcher, Esq. or Michael T. Mervis, Esq. of Proskauer Rose LLP). The Patriarch Entities will provide the Trustee with written responses and objections to the Trustee's document requests within 7 business days of service.
5. The Patriarch Entities will conduct a good faith search for responsive documents and will produce responsive documents on a rolling basis, with the first production of documents to be made no later than November 10, 2017, subject to the Parties agreeing to extend such deadline after good faith discussions.
6. This Stipulation hereby takes the presentment of the Rule 2004 Motion off the Court's calendar, subject to (i) the Trustee's right to submit a Renewed Notice of Presentment in the event that the Parties cannot resolve any discovery disputes

amicably and (ii) the right of any Patriarch Entity, Tilton, Pelissier, or any other party in interest to file an objection to any renewed Notice of Presentment for the Rule 2004 Motion.

Dated: New York, New York  
November 2, 2017

**STORCH AMINI PC**  
**Special Counsel for the Trustee**

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**COUNSEL FOR THE PATRIARCH  
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**IT IS SO ORDERED:**

**Date: November 7, 2017**

**/s/ STUART M. BERNSTEIN**  
HON. STUART M. BERNSTEIN